

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN DOE,

Plaintiff, Counter-Defendant,

Case No. 1:24-cv-12129

v.

Honorable Thomas L. Ludington
United States District Judge

PATRICK-JOSEPH GROULX,

Defendant, Counter-Plaintiff.

Honorable Patricia T. Morris
United States Magistrate Judge

**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION AND
REMANDING CASE TO 70TH DISTRICT COURT**

On August 1, 2024, Defendant/Counter-Plaintiff Patrick Joseph Groulx received a traffic ticket for allegedly failing to yield and causing an accident, violating MICH. COMP. LAWS § 257.649. ECF No. 1 at PageID.4. On August 14, 2024, Groulx filed a Notice of Removal, attempting to remove his traffic ticket proceedings from the 70th District Court in Saginaw County, Michigan, to federal court under 28 U.S.C. § 1441. ECF No. 1. He contemporaneously applied to proceed *in forma pauperis*. ECF No. 2. Groulx bases this removal on “federal question jurisdiction,” asserting that the officer who issued his ticket violated federal law when issuing the traffic ticket. ECF No. 1 at PageID.2. In that vein, after filing the Notice of Removal, Groulx filed a countercomplaint, alleging that this officer violated several of his constitutional rights. ECF No. 3.

On August 20, 2024, this Court referred the case to Magistrate Judge Patricia T. Morris for all pretrial matters. ECF No. 6. That same day, Judge Morris granted Plaintiff’s Application to Proceed *in forma pauperis*. ECF No. 7. Judge Morris then reviewed the Notice of Removal. *See* ECF No. 8.

On September 4, 2024, Judge Morris issued a report (R&R) recommending that this Court remand this case to the 70th District Court in Saginaw, Michigan, for lack of subject matter jurisdiction. *Id.* at PageID.41. In so doing, Judge Morris noted over Groulx's traffic ticket proceeding because 28 U.S.C. § 1441 applies only to civil cases. *Id.* at PageID.44. Because traffic ticket proceedings are criminal, Judge Morris reasoned that Groulx's removal of this case under 28 U.S.C. § 1441 was improper. *Id.* at PageID.44–45. And because Groulx had not alleged any other basis for federal jurisdiction, Judge Morris concluded that this Court lacks subject matter jurisdiction. *Id.* at PageID.45.

Judge Morris provided the Parties 14 days to object, *id.*, but the Parties did not do so. Thus, they have forfeited their right to appeal Judge Morris's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in Judge Morris's R&R.

Accordingly, it is **ORDERED** that Magistrate Judge Patricia T. Morris's Report and Recommendation, ECF No. 8, is **ADOPTED**.

Further, it is **ORDERED** that the above-captioned case be **REMANDED** to the 70th District Court in Saginaw County, Michigan.

Dated: November 7, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge